

From: [Aseem Mulji](#)
To: [Zachary L. Barker](#); [Blair Bowie](#)
Cc: [Kroll, Lea](#); cgrant@bakerdonelson.com; [Grant, Denmark](#); [Alice Huling](#); [Andrew Coulam](#); [Valencia Richardson](#); [Kate Uyeda](#); [Ellen Boettcher](#); [Danielle Lang](#); [Keeda Haynes](#); [Phil Telfeyan](#); [Dawn Jordan](#); [Robert W. Wilson](#); [David M. Rudolph](#)
Subject: RE: NAACP v. Lee, No. 3:20-cv-1039 - Supplemental Discovery Update
Date: Monday, October 30, 2023 6:12:05 PM

Thanks. We can use this conference line on Thursday:
(712) 451-1000
Code: 867512

Best,
Aseem

From: Zachary L. Barker <Zachary.Barker@ag.tn.gov>
Sent: Monday, October 30, 2023 2:03 PM
To: Aseem Mulji <amulji@campaignlegalcenter.org>; Blair Bowie <BBowie@campaignlegalcenter.org>
Cc: Kroll, Lea <lkroll@bakerdonelson.com>; cgrant@bakerdonelson.com; Grant, Denmark <DGrant@bakerdonelson.com>; Alice Huling <AHuling@campaignlegalcenter.org>; Andrew Coulam <Andrew.Coulam@ag.tn.gov>; Valencia Richardson <VRichardson@campaignlegalcenter.org>; Kate Uyeda <kuyeda@campaignlegalcenter.org>; Ellen Boettcher <eboettcher@campaignlegalcenter.org>; Danielle Lang <dlang@campaignlegalcenter.org>; Keeda Haynes <keeda@freeheartsorg.com>; Phil Telfeyan <ptelfeyan@equaljusticeunderlaw.org>; Dawn Jordan <Dawn.Jordan@ag.tn.gov>; Robert W. Wilson <Robert.Wilson@ag.tn.gov>; David M. Rudolph <David.Rudolph@ag.tn.gov>
Subject: RE: NAACP v. Lee, No. 3:20-cv-1039 - Supplemental Discovery Update

Yes, that works. Thank you!

My Best,

Zachary L. Barker | Assistant Attorney General
Public Interest Division
Office of the Tennessee Attorney General
P.O. Box 20207, Nashville, TN 37202-0207
Phone: (615) 532-4098
Zachary.Barker@ag.tn.gov



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From: Aseem Mulji <amulji@campaignlegalcenter.org>

Sent: Monday, October 30, 2023 2:25 PM

To: Zachary L. Barker <Zachary.Barker@ag.tn.gov>; Blair Bowie <BBowie@campaignlegalcenter.org>

Cc: Kroll, Lea <lkroll@bakerdonelson.com>; cgrant@bakerdonelson.com; Grant, Denmark <DGrant@bakerdonelson.com>; Alice Huling <AHuling@campaignlegalcenter.org>; Andrew Coulam <Andrew.Coulam@ag.tn.gov>; Valencia Richardson <VRichardson@campaignlegalcenter.org>; Kate Uyeda <kuyeda@campaignlegalcenter.org>; Ellen Boettcher <eboettcher@campaignlegalcenter.org>; Danielle Lang <dlang@campaignlegalcenter.org>; Keeda Haynes <keeda@freeheartsorg.com>; Phil Telfeyan <ptelfeyan@equaljusticeunderlaw.org>; Dawn Jordan <Dawn.Jordan@ag.tn.gov>; Robert W. Wilson <Robert.Wilson@ag.tn.gov>; David M. Rudolph <David.Rudolph@ag.tn.gov>

Subject: RE: NAACP v. Lee, No. 3:20-cv-1039 - Supplemental Discovery Update

Hi Zachary,

Unfortunately, that time on Wednesday does not work for our team. Would Thursday at 3pm central time work for you all?

In addition to the discovery issues, we would also like to use that time confer about the trial date. In our last update to the court, we indicated our next update would arrive today (the 30th), but we can put together a short update for the court indicating that efforts to confer on trial date are ongoing.

Best,
Aseem

From: Zachary L. Barker <Zachary.Barker@ag.tn.gov>

Sent: Monday, October 30, 2023 11:00 AM

To: Aseem Mulji <amulji@campaignlegalcenter.org>; Blair Bowie <BBowie@campaignlegalcenter.org>

Cc: Kroll, Lea <lkroll@bakerdonelson.com>; cgrant@bakerdonelson.com; Grant, Denmark <DGrant@bakerdonelson.com>; Alice Huling <AHuling@campaignlegalcenter.org>; Andrew Coulam <Andrew.Coulam@ag.tn.gov>; Valencia Richardson <VRichardson@campaignlegalcenter.org>; Kate Uyeda <kuyeda@campaignlegalcenter.org>; Ellen Boettcher <eboettcher@campaignlegalcenter.org>; Danielle Lang <dlang@campaignlegalcenter.org>; Keeda Haynes <keeda@freeheartsorg.com>; Phil Telfeyan <ptelfeyan@equaljusticeunderlaw.org>; Dawn Jordan <Dawn.Jordan@ag.tn.gov>; Robert W. Wilson <Robert.Wilson@ag.tn.gov>; David M. Rudolph <David.Rudolph@ag.tn.gov>

Subject: RE: NAACP v. Lee, No. 3:20-cv-1039 - Supplemental Discovery Update

Good Afternoon,

Let's meet and confer on all of the issues this week. I've consulted my team for their availability, and Wednesday, November 1st at 2:30 p.m. works for best for us. If that works for you all, please let me know.

My Best,

Zachary L. Barker | Assistant Attorney General
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From: Aseem Mulji <amulji@campaignlegalcenter.org>
Sent: Friday, October 27, 2023 6:22 PM
To: Zachary L. Barker <Zachary.Barker@ag.tn.gov>; Blair Bowie <BBowie@campaignlegalcenter.org>
Cc: Kroll, Lea <lkroll@bakerdonelson.com>; cgrant@bakerdonelson.com; Grant, Denmark <DGrant@bakerdonelson.com>; Alice Huling <AHuling@campaignlegalcenter.org>; Andrew Coulam <Andrew.Coulam@ag.tn.gov>; Valencia Richardson <VRichardson@campaignlegalcenter.org>; Kate Uyeda <kuyeda@campaignlegalcenter.org>; Ellen Boettcher <eboettcher@campaignlegalcenter.org>; Danielle Lang <dlang@campaignlegalcenter.org>; Keeda Haynes <keeda@freeheartsorg.com>; Phil Telfeyan <ptelfeyan@equaljusticeunderlaw.org>; Dawn Jordan <Dawn.Jordan@ag.tn.gov>; Robert W. Wilson <Robert.Wilson@ag.tn.gov>; David M. Rudolph <David.Rudolph@ag.tn.gov>
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Hi Zachary,

Thank you for correcting the redactions to conform with the protective order and for providing email chains and supporting documentation for denials and approvals.

We also appreciate the updated privilege log and production of documents identified in our Oct. 4 letter. As we noted, those were examples of communications that did not appear to involve the provision of legal advice. In further review of the updated log, we've identified more. The log includes withheld emails between Coordinator Goins and other Election Division staff to/from Asst. Coordinator Henry-Robertson and Mr. Dodd that do not include any counsel from the Attorney General's office or the general counsel's office. While Ms. Henry-Robertson and Mr. Dodd are attorneys (like Mr. Goins), they serve in a policy or business capacity and do not represent Mr. Goins or the Election Division. Furthermore, the descriptions for these entries do not indicate that a purpose of providing legal advice. These emails should be produced.

As for communications with Tennessee clerks of courts, they are relevant and responsive to our prior requests. Defendants appear to have produced one such email already. *See* DEF001425. Insofar as this email and others like it discuss “previously restored individuals,” *id.*, they are responsive at least to RFP No. 2, which requests any communications discussing a “request for voting rights restoration.” As communications regarding considered revisions to “the process of felony voting rights restoration,” they are also plainly within the scope of the Elections Divisions business of determining policy. The fact that a proposed policy revision might have been prompted by settlement discussions is irrelevant to whether these communications must be produced. Finally, work product protection does not apply as these are communications with third parties. We are happy to confer by phone again on this again if your stance has changed, but otherwise, it seems our positions on this are clear.

We would, however, appreciate a conference on the privilege log entries involving Ms. Henry-Robertson and Mr. Dodd. Do you all have any availability early next week?

Thanks,
Aseem

Aseem Mulji (he/him)

Legal Counsel
202.868.4777 | @aseemmulji

Campaign Legal Center
1101 14th St. NW, Suite 400
Washington, DC 20005
campaignlegalcenter.org

From: Zachary L. Barker <Zachary.Barker@ag.tn.gov>

Sent: Friday, October 20, 2023 8:38 AM

To: Blair Bowie <BBowie@campaignlegalcenter.org>

Cc: Kroll, Lea <lkroll@bakerdonelson.com>; cgrant@bakerdonelson.com; Grant, Denmark <DGrant@bakerdonelson.com>; Aseem Mulji <amulji@campaignlegalcenter.org>; Alice Huling <AHuling@campaignlegalcenter.org>; Andrew Coulam <Andrew.Coulam@ag.tn.gov>; Valencia Richardson <VRichardson@campaignlegalcenter.org>; Kate Uyeda <kuyeda@campaignlegalcenter.org>; Ellen Boettcher <eboettcher@campaignlegalcenter.org>; Danielle Lang <dlang@campaignlegalcenter.org>; Keeda Haynes <keeda@freeheartsorg.com>; Phil Telfeyan <ptelfeyan@equaljusticeunderlaw.org>; Dawn Jordan <Dawn.Jordan@ag.tn.gov>; Robert W. Wilson <Robert.Wilson@ag.tn.gov>; David M. Rudolph <David.Rudolph@ag.tn.gov>

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Good Morning,

We have updated the secure file transfer folder with the complete folders for approval and denials, which include the supporting documentation. The folders are entitled “Denials – June

2023-October 13, 2023-BN” and “Restorations – June 2023-October 13, 2023-BN.” The login that I previously sent you should allow you to access and retrieve the documents.

Defendants maintain that the emails between staff at the Division of Elections and Tennessee clerks of court are not responsive to requests for production served on the Division of Elections. These emails were not sent as part of the Division of Elections’ regular course of business. The emails were not sent as part of processing an applicant’s certificate of restoration, and the emails were not related to policies and procedures concerning certificates of restoration. Rather, the emails were sent to test the viability of a potential term in settlement negotiations. To the extent that they may be considered responsive, these emails are privileged work product as the emails were sent at the direction, and under the supervision of, attorneys for the Division of Elections.

For the allegedly incomplete email chains, you have the complete written email conversations.

I’ve also attached an updated privilege log that provides the additional information requested.

This should address all of the concerns expressed in your October 4th Letter.

My Best,

Zachary L. Barker | Assistant Attorney General
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Office of the Tennessee Attorney General
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